

Navy Case No. 65,851

fluctuations of the tape. Antecedent basis has been provided for the tape. Claim 7 now properly depends on claim 6.

In view of the amendments to the claims, it is submitted that the '112 ground of rejection no longer applies.


Claim 1 was rejected under 35 USC 103 as being unpatentable over Gibson et al. It is respectfully submitted that this rejection no longer applies.

Claim 1 has been cancelled in its entirety. Now all the limitations of claim 1 are included in claim 2 (amended). Claim 2 (amended) further includes the limitation that the variable reference frequency means includes a tape having a reference tone recorded thereon. This provides an indication of variations in the form of a variable reference frequency which is directly proportional to the rate of travel fluctuations of the tape. The ROM of item 42 of Gibson et al does not have this capability nor does it suggest its obvious modification to include such a capability as distinctly claimed. One skilled in the art to which this invention pertains would not draw upon the teachings of Gibson et al and obviously modify them within the perview of 35 USC 103. Thus, it is submitted that claim 2 (amended) and its dependent claims, claims 3 through 10, avoid the '103 ground of rejection.

The Westell et al reference has been reviewed and found to be lacking in teachings which anticipate or make obvious the claimed subject matter resubmitted for reconsideration.

In view of the foregoing and the discussion with Examiner Hayes on February 10, 1986, it is respectfully submitted that claim 2 (amended) and 3 through 10 define a patentably significant concept that is definite, free of the art and not obvious thereover. Accordingly, an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

  
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